

**BUTTE-SILVER BOW LOCAL GOVERNMENT  
STUDY COMMISSION**

**Minutes of the Meeting  
March 15, 2006  
Butte-Silver Bow Courthouse, First Floor Conference Room**

**Meeting Date:** March 15, 2006

**Time:** 5:30 p.m.

**Place:** Butte-Silver Bow Courthouse, First Floor Conference Room

**Call to Order:** Chairman Bob Worley brought the meeting to order at 5:45p.m. and called roll with the following results:

**Members Present:** Tony Bonney, Ristene Hall, Wayne Harper, Dave Palmer, Northey Tretheway, Meg Sharp, Bob Worley, and Shag Miller

**Excused Absences:** Cindi Shaw, Ron Rowling

**Approval of Minutes:** Bob Worley entertained a motion for the approval of minutes from March 2, 2006. Shag moved the minutes for March 2, 2006 be approved and Wayne Harper seconded. All were in favor and the motion carried.

**Comments from Ron Rowling:** None.

**Citizen's Comments:** Dave Kneebone was present and gave a few words of encouragement to the Study Commission.

**Items Not on Agenda:**

Ristene Hall was not sure if anyone was interested in possibly talking about another issue and discussing it. She would like to see the commission identify the autonomous administrative offices and separate autonomous boards that are often small independent governments of their own which operate outside the public eye. Elected officials have minimal budget control by county commissioners who are there to represent the citizens. Ristene would like to discuss having all the spending go before council rather than having autonomous boards. It would be a way for the citizens to know where their money is going. The boards are great in putting together the decisions on how to spend the money but they can spend it without asking the citizens for approval. Once the budget is approved then they can spend it any way they want.

Dave Palmer did not believe the council approves the budget for autonomous boards. The Port of Montana, the only portion they approve is they are allowed 2 mills.

Wayne Harper clarified, the Council of Commissioners approves the 2 mills to the Port of Montana whatever that mill is that time, the know it is "x" amount of dollars. Wayne asked the \$4, 372, 812.00 is that for personnel, maintenance, everything they do out there?

Dave Palmer replied no. It is just a small portion of their funding. Wayne asked where does the rest of their funding come from?

Meg Sharp replied probably from some federal branch.

Wayne Harper replied so they spend that 2 mills pursuant to a board that the Chief Executive appoints.

Shag Miller discussed the way the Airport Board operates.

Wayne Harper asked if he would be correct if for example, you get your two mills, and you guys decide to paint Mickey Mouse faces on the runway thinking that Disney will decide to come to you. Nobody tells you how you can spend that two mills but the next year the citizen's view were possessed, the Council of Commissioners could say you do not get two mills next year.

Shag Miller replied that was correct.

Ristene Hall replied Shag's explanation on the Airport was great information. She commented that she knows the BLDC gets one mill from the county. Ristene commented they had to report to the council. Ristene wondered if it would be asking too much to have autonomous boards report on a regular basis on how money is being spent.

Shag Miller replied that he did not think that was the purpose of what the board was appointed to do. The board is appointed to administer the office.

Shag Miller commented prior to the Airport Authority Act, the county commissioners governed the airport.

Ristene Hall asked if State and Federal money was still taxes?

Shag Miller replied most of the airport money comes from the Federal end. There are some appropriations that come out of Congress for general improvement but not a lot of the entitlement money coming down to the airports.

Northey Tretheway asked if the money coming from the Feds was a fixed amount?

Shag Miller replied Butte's airport receives about half a million dollars of entitlement money but then depending on the project and the amount of money that might be available in the Montana F.A.A, there is discretion on that.

Northey Tretheway asked as far as the annual operating budget, it is covered by a fixed amount from the Federal government and the 2 mills BSB puts in?

Shag Miller commented what he thought would happen if they were able to increase traffic at the airport and number of boarding services. They would be in a situation like Bozeman. They would need to say to the council if they don't need the 2 mills and there are departments that need it more than they do.

Northey Tretheway asked for example, they decide to go to five people?

Shag Miller replied the federal money would all depend on the numbers coming in and out of the airport. The budget would be on the income and car rentals, the restrooms, landing phase and so forth. They get 10% of the income from car rentals, landing fees, etc. If you reduced the workforce from 10 to 5, it would come out of that fund.

Wayne Harper asked if there were any autonomous boards that get more than the court or airport?

Bob Worley commented it looks to him like the 2 mills are so intermingled in Federal funds that he is not sure if there is anything they could do about it.

Wayne Harper asked what BSB's budget was. There was a response that it was \$21 million. Wayne thought half of the 21 million, 10 million, if the...it is the Council of Commissioner's job not theirs. Wayne addressed Ristene Hall and Dave Palmer and told them when they were council members and they were upset with the Airport Board, they should have made a motion that they had to give them accountings. Dave Palmer replied they did that all the time. Wayne thought at two mills apiece, to the largest boards, he is in agreement with the way the Council of Commissioners is doing it now. They are saying here is your money, spend it and he did not think there were any boards spending it inappropriately and he did not think there were 20 people in Butte that cared how they were spending the money. He thought they were getting into the minutia of things.

Bob Worley replied the information is available to the people. Bob Worley agreed with Wayne on getting into the minutia of trying to micro-manage what the legislative arm of BSB is supposed to do. Just like they are depending on them, the Study Commission, to make changes in the charter, they depend on the legislative arm and elect them to do the job properly.

Bob Worley wanted to review the entire charter from the beginning to make sure there was nothing missed. Bob Worley mentioned previous discussion of changing the preamble and asked what everyone thought on that. Bob's thought was that he was not sure if they needed to do anything with that or not.

Northey Tretheway mentioned the simplified charter and discussed how a decision needs to be made soon. They discussed the final report needing to get to Mary McMahon by August 24<sup>th</sup>.

Bob Worley mentioned how Northey drafted a simplified charter from Missoula's charter. Bob explained they chose Missoula because that seems to be the closest to Butte-Silver Bow's operations right now as far as the type of government.

Bob Worley suggested they read it and compared it with the existing charter. Bob Worley commented while things are complicated in the existing charter, the simplified version is a more simple guiding document.

Northey Tretheway commented if they decide to go with a simplified version of the charter, Bob McCarthy would do all the work in reference to taking language out of the

existing charter and having it done by way of ordinance through the Council of Commissioners.

Northey Tretheway suggested they have a look at his draft of the simplified charter and then review the existing charter.

Bob Worley asked if everyone had a copy of the simplified charter.

Bob Worley suggested they follow the draft of what Missoula's charter does versus what BSB's charter does and make a comparison from both.

Bob Worley reviewed Northey's draft of the simplified charter. Article I. Self-government powers-"The city and county shall have self-government powers as provided in Article XI, Sections 5 and 6 of the Montana Constitution and Part 1 of Chapter 1, Title 7 of the Montana Code Annotated and may exercise all powers conferred upon city and counties with self-government powers and shall have all powers not prohibited by the Constitution of the United States of America, the laws of the United States of America, the Montana Constitution, the laws of the State of Montana or this charter."

Bob Worley mentioned limitations in the Missoula charter, which was done under general provisions in Article II. The powers and authority of self-government in our regular charter shall be liberally construed every reasonable doubt as to existence of this government power shall be resolved in favor of the existing to that power of authority...that is basically what that says and they are under the laws of the United States of America, the Montana Constitution, the laws of the State of Montana or this charter.

Bob Worley reviewed Article I, 2. (2) Powers of Initiative-The powers of initiative shall not extend to the following: annual budget, bond proceedings, except for ordinances authorizing bonds, the establishment and collection of charges pledged for the payment of principal and interest on bonds or the levy of special assessments pledged for the payment and principal and interest on bonds.

(3) The electors of Butte-Silver Bow may exercise the power of recall in accordance with the Montana Recall Act as codified in the laws of the State of Montana.

3. Amendments. (1) An amendment to this charter may be made only by submitting the question of amendment to the electors of the City-County. To be effective, the proposed amendment must receive an affirmative vote by a majority of the electors voting on the question. An amendment approved by the electors becomes effective on the first day of the City-County fiscal year following the fiscal year of approval unless the question submitted to the electors provides otherwise.

Northey Tretheway commented it may also be worth noting how a question came up on how the charter can be changed and it can be changed the same way Rick Foote stated.

Shag Miller commented it could be changed by amendment during tenure.

Northey Tretheway commented it could be changed by the council. Northey referred to page 76 (state law), “petition of the electorate typically requires signatures of 15%...3. resolution of the elected governing body.

Northey Tretheway commented that he disputed that with Bob McCarthy months ago and he stated the same thing.

Bob Worley commented the charter should have changed in 1999.

Bob Worley continued reviewing the simplified charter, Article I, 3.(2) An amendment to this charter may be proposed by initiative by petition of 15% of the electors registered at the last general election or by ordinance enacted by the City Council. The question on amendment of this charter must be submitted to the electors at the next regular or primary City-County election, in the manner prescribed by state law.

Dave Palmer went back to what Northey stated and disagreed that if you read that, it is to change the structure of government not to change the wording in the charter. You could consolidate departments or whatever but you could not change the wording in the charter.

Northey Tretheway replied the form and structure of government is precisely what the charter is supposed to govern. If you look at what charters are supposed to do is outline what type of government the local community wants to have whether it be a managed form, a Chief Executive form, and a mayor form; that is the form. The structure of government depends on how many and who you would want to have in government. If you change the structure, you change the charter.

Dave Palmer replied on reshaping the existing structure of local government and local need.

Northey Tretheway replied right, that is the charter.

Dave Palmer commented to combine their duties and powers. It does not give them the right to say, there will be no more Public Works Department or the power to appoint his own department heads “at the will of”. Dave stated that is the way he is reading that and that is the way they were told by Bob McCarthy. Northey replied no, he spoke with Bob McCarthy one-on-one and he confirmed the three ways the charter could be changed.

Northey Tretheway thought he had sent everyone an e-mail from his and Bob McCarthy’s conversation.

Northey Tretheway replied that it states the process of structural consolidation or alteration of local government can be set in motion by any...alternative means. It is not just consolidation; it is alteration of local government. If you did not want to put the Land Records in the Clerk and Recorder’s Office, that is an alteration of government. You could do one of three things to get it done.

Dave Palmer replied if you go back to the first sentence which narrowly defines, the consolidation of local government structure literally means a reduction in the number of local government entities by combining the cities and powers of local government or office ... that is what they have the power to do.

Northey Tretheway replied when he read that, he did discuss it with Bob McCarthy and he validated it. He told Rick Foote the same thing.

Northey Tretheway commented you do not need to wait 10 years to change the charter.

Dave Palmer replied it has to be voted on by the people.

Bob Worley commented it is up to the County Attorney to keep the Council of Commissioners informed of changes in state law.

Northey Tretheway replied if the voters decline to approve it, it would not make any difference anyway due to state law having precedence over the charter.

Shag Miller commented in the operation of Bob McCarthy's office, he handles the ordinances and the relationships of the commissioners. The other attorneys in his office handle criminal cases and so forth. Shag commented you rarely see Bob McCarthy in the courtroom on a trial.

Bob Worley moved forward reviewing city elections as follows:

4. City-County elections. Election of the Chief Executive, City-County Treasurer, and City-County Council members shall be nonpartisan.
5. City-County property taxes. The City-County of Butte-Silver Bow shall not increase municipal property tax levies above the limit authorized by the State of Montana for cities and counties with general government powers, except as approved by the electorate.

City-County fees. There shall be no changes made in any ordinance or resolution of Butte-Silver Bow regarding license fees, user fees, service fees, or permit fees without a prior public hearing on the matter.

Bob Worley reviewed Article II. Commissioners

1. Legislative authority. The legislative authority of Butte-Silver Bow shall be vested in the Council of Commissioners. (Council) which shall have the authority to enact such ordinances and resolutions necessary for the protection and benefit of the people's health, welfare and security. The Council shall be the policy-making body of Butte-Silver Bow.
2. Council of Commissioner elections. Member of the Council shall be nominated and elected by the electors of the several districts established within Butte-Silver Bow.
3. Council Districts. The Council shall have the authority to, by ordinance, determine the number of Council districts. Each district shall be established and maintained by the Council to be generally regular in shape and as equal in population as practicably possible. Each district shall be represented on the Council by two Council members who shall reside in that district. At the time of adoption of this Charter, the number of districts in the City shall be six (6).
4. Term of office. Each Council member shall be elected in odd numbered years for a term of four years. Terms of Council members within each district shall be staggered so the terms of the Council members from each district shall overlap.
5. Eligibility. Only registered voters who are residents of Butte-Silver Bow shall be eligible to hold the office of Council of Commissioner member. Candidates for the office of Council Commissioner must reside in the district they represent.
6. City-County departments. The Council shall create, combine, or abolish City and County departments pursuant to the implementation of Council policies or administration of Butte-Silver Bow business.

7. Budget. The Council shall review on an annual basis the Butte-Silver Bow budget submitted to it by the Chief Executive. Following the Council's review of the budget and adoption of any amendments proposed thereto, the Council shall adopt the budget by resolution and levy the necessary taxes and establish any fees not already in place to fund the budget in accordance with the laws of the State of Montana.
8. Rules and officers. (1) The Council shall establish rules by which it will carry out its business, including the setting of regular meetings. The council may also call special meetings in accordance with its rules. The Council may elect from among its members whatever officers are required for the orderly execution of its functions, in addition to the following.
  - (2) President. The Council shall elect from among its members a Council President in accordance with its rules and state law. In the absence of the Chief Executive, or in the event the Chief executive is unable to discharge the duties of the office of Chief Executive; the Council President shall serve as Acting Chief Executive.
  - (3) Council Vice President. The Council shall elect from among its members a Council Vice President in accordance with its rules and the laws of the State of Montana. In the event of the absence or inability of the President of the Council to discharge the duties of that office, the Vice president shall assume the duties of the President.

### Article III. The Chief Executive

1. The executive. The executive function of the Butte-Silver Bow government shall be exercised by the Chief Executive who shall be nominated and elected on a nonpartisan basis by the electors of Butte-Silver Bow.
2. Term of office. The Chief Executive shall serve a term of four years.
3. Eligibility. Only registered voters who live in Butte-Silver Bow may seek and hold the office of Chief Executive.
4. Duties of the Chief Executive. The Chief Executive shall execute all ordinances and resolutions passed by the Council. The Chief Executive shall also execute all documents on behalf of Butte-Silver Bow following approval by the Council.

Bob Worley commented these are things that BSB is currently doing with the Chief Executive.

5. Administration. The Chief Executive shall have the day-to-day responsibility of administering the affairs of Butte-Silver Bow government. The Chief Executive may appoint and remove, with the consent of the Council, all department heads in accordance with law...

Bob Worley commented that someone brought up the language state and federal law. Bob Worley thought it would be better to go beyond state law and just have the language "law". Northey thought it would be better answered by an attorney but thought the language "law" sounded better. Meg Sharp suggested they could have a reference note when they use the term "law" they are referring to state and federal law. Bob Worley continued to review Article III.

The Chief Executive may appoint and remove all other department employees in accordance with law. The Chief Executive shall supervise all Butte-Silver Bow government departments, except the Municipal Court. In the course of administering the City-County, the Chief Executive shall cause to be prepared on an annual basis a report detailing the financial condition of Butte-Silver Bow government including progress on programs and initiatives

undertaken in the previous year. Once every three months, the Chief Executive shall make a full and complete statement of the financial condition of Butte-Silver Bow to the Council.

Dave Palmer commented it states exactly what they were trying to remove. It gives the Chief Executive the power to hire and fire all department employees. Dave referenced to a comment Bob McCarthy made about the problem, for example, the secretary works for the County Attorney but he does not have authority to hire or fire her. Bob Worley commented those are things that they can add to the simplified charter.

Tony Bonney commented the second thing, he was not sure if he remembered when Paul Babb was there with Jon Sesso, they see no need for any Superfund oversight. Their decision on when that comes out is going to do that. That gives them the authority to create or not create based on their decision. That does not allow any citizen input on any type of Superfund role.

Bob Worley replied those are things they can add to it. Bob Worley explained that they are trying to take the difficult things out of the charter and simplify it. They don't need to follow the simplified draft, word for word. They can insert language they feel is necessary to operate BSB.

Tony Bonney thought that is what they had already done to the original charter.

Northey Tretheway commented even though it is not addressed in the charter, they are solving the problem.

Tony Bonney replied look at the pit and Mill Town. What is getting done?

Northey Tretheway replied they could not fix that with the charter. If you want to create an Advisory group that helps out in doing that, they could add that in. As far as detailing to the nth degree what they feel is necessary to fix the problem with the pit...

Tony Bonney replied that he is not talking about it being detailed to the nth degree. Tony commented every one of them realizes that Superfund is going to be a huge issue in this county for 20 years, 50 years, and 100 years. If they get one bad Chief Executive in office who does not want to do anything with it, then BSB is stuck with their decisions but if it is outlined in the charter that there should be an Advisory Committee and it should be under the control of the people then it is in the charter.

Northey Tretheway replied they could do it that way. All he is saying is they have seemed to solve the problem without it being in the charter.

Shag Miller commented as he recalls in reading about the issues of Mill Town Dam, they appointed an Environmental Director who later went to the state. Shag commented Missoula has more representation on the Advisory Board than BSB does.

Northey Tretheway went back to Bob Worley's comment, if they want to add something to the charter to cover that, they should. Northey Tretheway stated when they are going through a simplified charter, for those types of things that are really at the height of their concern, add it in the charter so it is highlighted.

Northey Tretheway commented as far as them debating the issue of how they should manage Superfund going forward, he would think there are all sorts of things that should have been done for the last 15 years and it has not. Where they are at currently and in moving forward, they cannot tell whom...Mike Kern thinks Jon Sesso is perfect for the job. Northey Tretheway stated he does not



know if he is perfect for the job or anyone in government who would be perfect for the job. They know it better than he.

Bob Worley commented Jon Sesso probably has more knowledge about Superfund in BSB than anyone else.

Northey Tretheway commented they had a C-Tech, a Community Technical Environmental Committee or something similar to that which was an Advisory Board of some sort.

Bob Worley made reference to Article IV and commented that he was not sure if that is where they would want to insert those special things.

Northey Tretheway replied it probably would be.

Bob Worley commented Missoula County without having anything in their charter has probably already obtained more dollars to remove Mill Town Dam than what BSB is going to get. Bob Worley commented that BSB obviously, has a larger square mile area that is contaminated than Missoula.

Shag Miller replied not entirely, part of the money coming to Missoula is to clean up Clark Fork River.

Northey Tretheway commented the point of the matter on that issue is the sidebar. If you spill a gallon of milk on your table, are you going to start cleaning up the floor first or the clean up the gallon of milk spilt on the table? How did Missoula get their problem fixed before BSB?

Ristene Hall asked if it had anything to do with Dennis Washington living in Missoula?

Northey Tretheway referred to the Mill Town Committee, which formed as a citizen group. They were concerned citizens who got together as a group to get done what they set out to get done.

Northey Tretheway referred to a discussion Bob McCarthy presented to them about Mill Town being easier to get your arm around. EPA has very intelligently created these operable units where they split apart all...one of our operable units is the ground water. Another operable unit is the creek and another is the Parrot Tailings. They have broken it all up so you cannot get your arms around anything. They are approving things at different times. They are all inner-related yet they don't act like they are.

6. Appointments. The Chief Executive shall make, with the advice and consent of the Council, all appointments to City-County boards, agencies, authorities and commissions created by the Council except those appointments the Council reserves to itself, or those appointments reserved to the Chief Executive exclusively, or those otherwise designated by state law.

End of Tape 1, Side 1

7. Annual budget. The Chief Executive shall present to the Council, on an annual basis, a budget for the operation of the City and County of Butte-Silver Bow for the consideration and approval. The budget presented to the Council by the Chief Executive shall indicate in sufficient detail all proposed services and programs along with the costs thereof. In addition, the budget submitted by the Chief Executive to the Council shall contain an estimated levy of the necessary taxes and fees to carry out the budgeted activities.

8. Presiding officer of the Council. The presiding officer of the Council shall be the Chief Executive, who shall decide all tie votes of the Council, but shall have not other vote. The President of the Council shall preside in the Chief Executive's absence.
9. Vetoes. The Chief Executive shall have the authority to veto any ordinance or resolution, in whole or in part, of the Council. The Chief Executive shall return any vetoed item to the next regular meeting of the Council with any objections in writing. The Chief Executive's veto is subject to an override b a two-third vote of the full Council at the next regularly scheduled meeting of the Council following issuance of the veto.
10. Assistants to the Chief Executive. The Mayor, with consent of the Council, has discretion to appoint and remove a person or person to assist in the execution of the Chief Executive's duties and in accordance with State and Federal law. The compensation of the person or persons appointed to assist the Mayor shall be identified in the Butte-Silver Bow annual budget as adopted or amended by the Council.
11. Special meetings. The Chief Executive may call a special meeting of the Council, when, in the Chief Executive's judgment, circumstances warrant such a meeting. At the time a special meeting of the Council is called, the Chief Executive shall state the object of said meeting, and the business of the meeting must be restricted to the stated object.

Article IV. Boards, Commissions, Agencies and Committees-The Council shall create such boards, commissions, agencies or committees as are required by state law or as desired by the Council. Such boards, commissions, agencies or committees shall be advisory only unless authorized by state or federal law, inter-local agreement, or duly adopted ordinance or resolution of the Council. Persons appointed to positions on any board, commission, agency or committee shall serve without compensation, except for those positions permitted by state law to receive compensation.

Bob Worley thought they might need to change the wording in that section. Bob Worley thought that might be the section where they would want to look into adding the Superfund Coordinator.

Bob started to review the next section, Article V, Courts and commented that is in reference to their discussions about Neighborhood and Community Councils. He was not sure what their thoughts were on those councils. Bob Worley asked if they Council of Commissioners ever looked into doing something like that.

Meg Sharp mentioned the Meth Watch programs that were set up by neighborhoods.

Northey Tretheway discussed how he looked into Missoula's web site and they have an active Neighborhood Council and they are trying to get grants.

Article V. Courts-The Council shall establish and provide for such courts of law in Butte-Silver Bow as required by the State of Montana. The City Council may also establish and provide for such courts of law permitted by the State of Montana.

(Article VI had been deleted.)

Bob Worley reviewed the next section, Article VII. Executive Branch-1. In addition to the Chief Executive, the executive branch includes the following officers: (This might be a place where we have only those offices mandated by the State. The rest could be by ordinance.) a. County Attorney, b. Clerk and Recorder, c. Clerk of the District Court, d. Superintendent of Schools, e. Sheriff, f. Assessor, g. Coroner, h. Public Administer, i. Auditor, j. Treasurer. There shall be a City-County Treasurer. The duties and powers of the City-County Treasurer shall be established by

ordinance. The City-County Treasurer shall be selected in the manner provided by ordinance. Each of the foregoing officers shall be nominated and elected at-large by the qualified electors of the City-County.

Northey Tretheway commented the original charter for Missoula only identifies the City Treasurer.

## 2. Election, Vacancies, Compensation.

Bob Worley thought that section was fairly general with the way the existing charter is.

Bob Worley reviewed Article VIII. Additional Provisions-1. Determination of vacancy in City office. An elected or appointed office becomes vacant on the happening of any of the following events before the expiration of the term of the incumbent:

(11) the decision of a competent tribunal declaring void his or her election or appointment.

2. Filling of vacancies. (1) When any vacancy occurs in any elective office, unless otherwise provided for by state or federal law, this position shall be considered open and subject to nomination and election at the next general City election in the same manner as the election of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification of the City Council shall, by a majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

- (1) the death of the incumbent;
- (2) determination pursuant to state law that he/she is mentally ill;
- (3) his or her resignation;
- (4) his or her removal from office;
- (5) his or her absence from the City continuously for 10 days without the consent of the City Council;
- (6) his or her open neglect or refusal to discharge his or her duties;
- (7) his or her ceasing to be a resident of the City or, in the case of a City Council member, his or her ceasing to be a resident of his or her ward;
- (8) his or her ceasing to discharge the duty of the office for a period of 3 consecutive months, except when prevented by illness or when absent from the City by permission of the City Council;
- (9) his or her conviction of a felony or of any offence involving a violation of his or her official duties;
- (10) his/or her refusal or neglect to file his or her official bond, if required, within the time prescribed:

(2) If all City Council positions become vacant at one time, the board of county commissioners shall appoint, in accordance with state law, persons within 5 days to hold office as Council members shall then appoint persons to any other vacant elective offices in the manner provided by state law.

(3) A vacancy in the office of City Council member must be filled by an elector from the ward in which the vacancy exists.

1. 3. Standards of conduct. Officials and employees of the City of Missoula shall be subject to the applicable rules of conduct set forth by the Code of Ethics and other laws of the State of Montana.
2. 4. Severability. If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Northey Tretheway noted BSB's Charter, from Section 5.02 on, including the Sheriff in Section 5.05, Judiciary in Article VI, Administrative Departments in Article VII, might be covered by ordinance. BSB Charter Articles VIII, IX, and X, are probably okay to leave in.

Bob Worley again commented they need to decide which way they are going to go with the charter due to August 24<sup>th</sup>'s deadline.

Meg Sharp commented that she likes the idea of a simplified charter.

Bob Worley commented he had a couple of calls of groups that are interested in what they are doing. He has an invitation to speak on May 21<sup>st</sup> at the Country Club for the Republican Women to discuss the public hearing and what the Study Commission is proposing.

Bob Worley stated the other one he will not be able to do since he will be out of town. Bob Worley commented he would like everyone to be involved in this process of talking to different groups that are out there. Bob Worley mentioned a Kiwanis meeting at Perkins on Tuesday. The dates are open. Shag Miller stated that he would be available to present to them. Shag is going to contact Norleen at Butte Weekly.

Bob Worley suggested teaming up so if one could not answer a question, the other person might be able to or one person might cover something the other person did not think of.

Meg Sharp asked that they are required to have two public meetings and they have had two. If they were to go a different direction would they need to have another public hearing?

Bob Worley thought they should have another public hearing. When they decide which way they are going to go with the charter and when they deliver their presentation at the third public hearing, they will want to be finalized with most things.

Meg Sharp made a comment about scheduling the next public hearing around other events in the community since the last one was held during a basketball tournament and caused poor attendance.

Northey Tretheway suggested they look at having the next public hearing in July. Meg Sharp suggested when they set the date, they give it to the Chamber of Commerce and have them put it on their Calendar of Events.

Northey Tretheway suggested having it at a different location, maybe the Chamber or a place where there are already going to be a lot of people.

Shag Miller replied the Chamber only has one meeting and that is annual. The rest is handled by the Board or Committees.

Tony Bonney mentioned the Business Card Socials they hold.

Shag Miller commented the people that attend the Business Card Socials do not stay there for long periods of time.

Northey Tretheway commented some of the slides they put up at the public hearing were just grammatical changes or had minor changes. Northey suggested they go through the simplified the charter and highlight the main points, such as number of commissioners in districts and so forth.

Northey Tretheway thought with a smaller number of commissioners there would be more accountability. BSB has the largest number of commissioners in the State of Montana.

Shag Miller replied BSB has a different form of government.

Tony Bonney entertained a motion to adjourn. Dave Palmer commented their biggest competition was reducing the number of commissioners. Dave commented the commissioners are the ones who see what is going on in government. Dave asked who else has sat there and gone through it all? The commissioners still think 12 is still the way to go.

Northey Tretheway thought they still needed to have a debate over the number of commissioners. Northey Tretheway summed up the fewer commissioners, the more accountable they would be and the more commissioners, the greater representation.

***Adjournment:*** Shag Miller seconded for the adjournment of the meeting. All were in favor and the motion carried. Meeting adjourned at approximately 7:30 p.m.

***Date of Next Meeting:*** March 23, 2006